

CHAPTER 9: FLOOR SESSIONS OF THE SENATE AND HOUSE OF REPRESENTATIVES

■ Introduction

This chapter provides a general overview of what takes place during the daily floor sessions of the Senate and the House of Representatives.

Much of the information presented in this chapter is based on the rules that were adopted for the 60th Legislature. The rules for the 61st Legislature may be different from these rules.

Furthermore, the information presented is general and not comprehensive. Exceptions are not generally noted. Legislators are advised to consult the adopted rules.

Thorough knowledge of the rules of legislative procedures is essential to gaining a complete understanding of the workings of each house during daily floor sessions. The authorities governing legislative procedures are described in Chapter 6.

■ Senate Floor Sessions

■ Senate Chamber and Gallery

The Senate has been meeting in the current Senate Chamber since 1912. Original features, including the chandelier and paintings documenting Montana's history, evoke traditions developed over decades.⁵ The chamber provides an appropriate setting for the daily floor sessions, which are generally more formal than other legislative activities. The floor sessions are televised, as described in Chapter 10.



Access to the Senate Chamber is limited. During the period of time that begins 1 hour before the Senate is in session and ending 1/2 hour after the Senate adjourns, no one is permitted in the chamber except:

- ✓ present and former legislators;
- ✓ legislative officers and employees whose presence is necessary for the conduct of business of the session;
- ✓ accredited members of the news media; and
- ✓ former legislators who are not currently registered as lobbyists.

The President of the Senate may make exceptions for visiting dignitaries.

Anyone who wishes to observe the proceedings of the Senate directly may sit in the Senate Gallery.

Materials may not be distributed on the desks of senators in the Senate Chamber without approval by the President of the Senate.

■ **Convening the Senate**

Senators must be present for each session of the Senate unless they are excused. A majority of the members of the Senate (26 members) is a quorum for the Senate to conduct business.

Each daily session of the Senate begins with a prayer, pledge of allegiance to the flag, roll call, and report on the journal. The Senate then follows the order of business established in the Senate

Rules. Each order of business is described below under "Order of Business".

Although this is not often done, senators may compel the attendance of absent members by ordering a call of the Senate. A call of the Senate may be ordered whether or not a quorum is present. A senator who refuses to attend on a call of the Senate may be arrested and held liable for expenses incurred in securing the senator's attendance.

■ **Floor Action**

The President of the Senate presides over the Senate and has the authority to maintain order.

A senator who wishes to speak may indicate this by standing or raising the microphone. The senator must rise and address the presiding officer. Members do not address each other directly, but always direct their communications through the presiding officer. In general, senators are limited to speaking no more than twice on a motion. A senator who has spoken may not speak again on the same motion to the exclusion of a member who has not spoken.

■ **Order of Business**

To revert to or pass to a new order of business requires a majority vote on a motion to do so. The motion must be allowed at the time that it is made. The following orders of business are provided for in the Senate Rules:

- No. 1. Communications and petitions.** Various types of communications may be read.
- No. 2. Reports of standing committees.** The presiding officer of the committee that is reporting traditionally moves adoption of the committee report. There is no debate unless a minority committee report has been submitted.
- No. 3. Reports of select committees.** Conference committee reports are read but are not voted on during this order of business.
- No. 4. Messages from the Governor.** Matters addressed in messages from the Governor include nominations by the Governor and the Governor's action on specific bills. This order of business is devoted to receiving the message. The Senate does not take action on the matter that is addressed in the message until the appropriate order of business.
- No. 5. Messages from the House of Representatives.** Common examples of matters addressed in these messages include transmittal of bills or resolutions from the House of Representatives, actions on Senate bills, actions on Governor's amendments, appointment of conference committees, actions on conference committee reports, and concurrence in or rejection of Senate amendments to House bills or resolutions. This order of business is devoted to receiving the message. The Senate does not take action on the matter that is addressed in the message until the appropriate order of business.
- No. 6. Motions.** Numerous motions are in order under this agenda item. Examples include motions to:
- ✓ redirect legislation (e.g., rerefer to another committee, move from second reading to a committee, etc.);
 - ✓ change the vote of an individual legislator;
 - ✓ add the names of cosponsors to a bill;
 - ✓ reconsider action by the Senate on a specific matter;
 - ✓ appoint conference committees; and
 - ✓ override a veto.
- No. 7. First reading and commitment of bills.** Each introduced bill or resolution and the committee to which it has been referred are announced.
- No. 8. Second reading of bills.** The Senate resolves itself into a Committee of the Whole. The President of the Senate appoints a senator to preside over the Committee of the Whole. It is under this order of business that debate occurs on bills and resolutions and that amendments may be offered to proposed legislation. Conference committee reports, amendments made by the House

of Representatives to Senate bills or resolutions, and the Governor's recommended amendments may also be considered.

After the sponsor makes an opening statement on the bill, amendments are offered. After all amendments are considered, the Committee of the Whole considers the bill in its entirety.

A senator may ask a question of another senator by directing a question through the presiding officer. For example:

[Mr. or Madam] Chair, would Senator Jones yield to a question?

The following guidance regarding the conduct of members during debate is derived from *Mason's Manual of Legislative Procedure*:

- ✓ Confine remarks to the question before the house and avoid personalities.
- ✓ Do not use indecent language with regard to the body (the Legislature or the Senate) or its members.
- ✓ The nature or consequences of a measure may be condemned in strong terms, but the motives of a member may not be arraigned.⁶

The Senate Rules limit the motions that are permitted in the Committee of the Whole. However, in practice, additional motions have been allowed.

Following a motion to "rise and report" or "rise and report progress and ask leave to sit again", the presiding officer moves adoption of the committee report for the Committee of the Whole. Prior to adoption of the Committee of the Whole report, a member may move that a bill or resolution be segregated from the report and left on second reading for further consideration.

No. 9. Third reading of bills. The Senate votes on bills, resolutions, House amendments to Senate bills and resolutions, conference committee reports, and Governor's amendments. Debate is not permitted, and amendments may not be offered. Each member's vote is recorded in the journal.

An excused senator may vote by "pairing" with another senator. The excused senator may enter into a written agreement with a senator who is on the opposing side of the motion. In this agreement, the opposing senator agrees not to vote on the motion during the excused senator's absence, so the two votes offset each other. The agreement must be dated, signed, and filed with the Secretary of the Senate.

No. 10. Unfinished business. This order of business is rarely used in the Senate.

No. 11. Special orders of the day. Confirmations of Governor's nominations for appointments, speeches from visitors, memorial services, and other special events take place during this order of business.

No. 12. Announcement of committee meetings. Committee presiding officers announce meetings.

■ Adjournment

When all business has been conducted, a motion to adjourn is made. The Senate may adjourn until the date and time of the next meeting or until the next session of the Legislature (*sine die*).

■ House of Representatives Floor Sessions

■ House Chamber and Gallery

The House of Representatives has been meeting in the current House Chamber since 1912. Original features, including Vermont marble columns, glass skylights, and oak furnishings, contribute to an atmosphere based on decades of tradition.⁷ The daily House floor sessions are generally more formal than other legislative activities. The floor sessions are televised, as described in Chapter 10.



Access to the House Chamber is limited. The following persons may be admitted to the floor of the House of Representatives during a daily session:

- ✓ present and former legislators;
- ✓ legislative employees necessary for the conduct of the session;
- ✓ accredited news staff; and
- ✓ the spouses and children of members.

The Speaker of the House may allow exceptions to this rule.

Anyone who wishes to observe the proceedings of the House of Representatives directly may sit in the House Gallery.

Only a member may sit in a member's chair when the House of Representatives is in session.

Lobbying on the floor of the House of Representatives and in the anteroom is prohibited during the period of time that begins 2 hours before a daily session and ends 2 hours after a daily session.

A paper concerning proposed legislation may be placed on the desks of representatives only if it is authorized by a representative and permitted by the Speaker of the House. Furthermore, signs, placards, and similar objects are not permitted on the floor of the House of Representatives, in the lobby, or in the House Gallery.

■ **Convening the House of Representatives**

Representatives must be present for each session of the House of Representatives

unless they are excused. A quorum of the House of Representatives is 51 members.

Each daily session of the House of Representatives begins with an invocation, pledge of allegiance to the flag, and roll call. The House of Representatives then follows the order of business established in the House Rules. Each order of business is described below under "Order of Business".

Although this is not often done, representatives may compel the attendance of absent members by ordering a call of the House. A call of the House may be ordered whether or not a quorum is present.

■ **Floor Action**

The Speaker of the House presides over the House of Representatives and has the authority to maintain order.

A representative who wishes to speak may indicate this by standing or raising the microphone. The representative must rise and address the presiding officer. Members do not address each other directly, but always direct their communications through the presiding officer. The presiding officer has the authority to decide if the member will be recognized.

Representatives are limited with respect to the number of times that they may speak on a motion as well as to the length of time that they are permitted to speak. In general, a representative may speak only once on a motion for up to 10 minutes. The representative who made

the motion is allowed 5 additional minutes to close the debate.

Absentee voting is allowed, except when a vote of "representatives present

and voting" is called for or during a call of the House. An absentee voting authorization form must be signed, as provided in House Rules.

■ Order of Business

- No. 1. Communications and petitions.** Various types of communications may be read.
- No. 2. Reports of standing committees.** A House standing committee report that recommends "do pass" or "be concurred in", with or without amendments, is announced across the rostrum and, if there is no objection to form, is considered adopted. The House Rules address the procedures for an adverse committee report; however, adverse committee reports are uncommon. (See Chapter 8 for more information about committee reports.)
- No. 3. Reports of select committees.** Conference committee reports are announced but are not voted on under this order of business.
- No. 4. Messages from the Senate.** Common examples of matters addressed in these messages include transmittal of bills or resolutions from the Senate, actions on House bills, actions on Governor's amendments, appointment of conference committees, actions on conference committee reports, and concurrence in or rejection of House amendments to Senate bills or resolutions. This order of business is devoted to receiving the message. The House of Representatives does not take action on the matter that is addressed in the message until the appropriate order of business.
- No. 5. Messages from the Governor.** Matters addressed in messages from the Governor include the Governor's action or recommendation on specific bills. This order of business is devoted to receiving the message. The House of Representatives does not take action on the matter that is addressed in the message until the appropriate order of business.
- No. 6. First reading and commitment of bills.** Each introduced bill or resolution and the committee to which it has been referred are announced.
- No. 7. Second reading of bills.** The House of Representatives resolves itself into a Committee of the Whole. The Speaker of the House appoints a representative to preside over the Committee of the Whole. It is under this order of business that debate occurs on bills and resolutions and that amendments may be offered to proposed legislation. Conference committee

reports, amendments made by the Senate to House bills or resolutions, and the Governor's recommended amendments may also be considered.

After the sponsor makes an opening statement on the bill, amendments are offered. After all amendments are considered, the Committee of the Whole considers the bill in its entirety.

A representative may speak once for up to 5 minutes. The sponsor may speak a second time for 5 minutes in order to close.

If the House Majority Floor Leader and the House Minority Floor Leader agree in advance:

- ✓ a lead proponent and a lead opponent may be granted additional time to speak on a bill; and
- ✓ a bill or resolution may be allocated a predetermined amount of time for debate and number of speakers.

There are special provisions in the House Rules that govern debate on the general appropriations bill.

The House Rules limit the motions that are permitted in the Committee of the Whole. However, in practice, additional motions have been allowed.

A representative may ask a question of another representative by directing a question through the presiding officer. The form of this motion is provided in the House Rules (H60-110). There is no limit on the number of questions that a representative may ask unless the presiding officer determines that the purpose of the questioning is to delay or obstruct business.

The following guidance regarding the conduct of members during debate is derived from *Mason's Manual of Legislative Procedure*:

- ✓ Confine remarks to the question before the house and avoid personalities.
- ✓ Do not use indecent language with regard to the body (the Legislature or the House of Representatives) or its members.
- ✓ The nature or consequences of a measure may be condemned in strong terms, but the motives of a member may not be arraigned.⁸

Following a motion to "rise and report" or "rise and report progress and beg leave to sit again", the presiding officer moves adoption of the committee report for the Committee of the Whole. Prior to adoption of the Committee of the Whole report, a member may move that a bill or resolution be segregated from the report and left on second reading for further consideration.

- No. 8. Third reading of bills.** The House of Representatives votes on bills, resolutions, Senate amendments to House bills and resolutions, conference committee reports, and Governor's amendments. Debate is not permitted, and amendments may not be offered.
- No. 9. Motions.** Numerous motions are in order under this agenda item. Examples include motions to:
- ✓ redirect legislation (e.g., rerefer to another committee, move from second reading to a committee, etc.);
 - ✓ change the vote of an individual legislator;
 - ✓ reconsider action by the House of Representatives on a specific matter;
 - ✓ appoint a conference committee; and
 - ✓ override a veto.
- No. 10. Unfinished business.** This order of business is rarely used in the House of Representatives.
- No. 11. Special orders of the day.** The filing of additional cosponsors of a bill or resolution is noted by the Chief Clerk for the record at this time. The consent calendar is also announced under this order of business. Speeches from visitors, ceremonies, and other special events take place during this order of business.
- No. 12. Announcement of committee meetings.** Committee presiding officers announce meetings.

■ Adjournment

A representative may make a nondebatable motion that the House of Representatives adjourn under any order of business except second reading of bills (No. 7). A motion to adjourn for a legislative day must specify a time for the House to convene on the subsequent legislative day.

The House of Representatives may adjourn until the date and time of the next meeting or until the next session of the Legislature (sine die).

■ Journals

The Montana Constitution requires each house to keep a journal. The journal is the only official record of action taken by the Senate or the House of Representatives. The daily journals include:

- ✓ introduction of bills and resolutions;
- ✓ consideration of bills and resolutions;
- ✓ the text of each amendment, the name of the legislator proposing

- the amendment, and its disposition;
- ✓ the vote of each legislator on final passage of a bill or resolution;
- ✓ committee reports;
- ✓ each motion, the name of the legislator making the motion, and its disposition;
- ✓ roll call votes;
- ✓ messages from the Governor;
- ✓ messages from the other house; and
- ✓ other votes and activities as provided by law.

The journal does not include a transcript of debate. There is no written record of the discussion that occurs when legislation is debated on second reading in the Committee of the Whole.

A legislator may suggest corrections to the journal for the member's house. Without objection by the appropriate house, the presiding officer (President of the Senate or Speaker of the House) may direct that the correction be made.